

**Notice of Allowability**

Application No.

10/751,569

Examiner

Tuan V. Thai

Applicant(s)

THOMAS ET AL.

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 7/20/2007.
2. ☒ The allowed claim(s) is/are 50,51,56,57,59-63,65-69,71,72,74-77,79-85,87-91,93-97,99,102-105 and 107-137.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

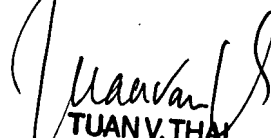
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|  | 9. <input type="checkbox"/> Other _____.   |

  
TUAN V. THAI  
PRIMARY EXAMINER  
Group 2100

Application/Control Number: 10/751,569

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**Attorney's Docket No.: VIGN1350-1**

**IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE**

**In re application of:** Thomas et al.                      **Group:** 2186  
**Serial No.:** 10/751,569                      **Examiner:** Tuan Thai  
**For:** **METHOD AND SYSTEM FOR OPTIMIZING RESOURCES.**

1. This action is responsive to amendment filed 7/20/2007. Claims 1-49, 52-55, 58, 64, 70, 73, 78, 86, 92, 98, 100, 101 and 106 have been canceled. Claims 50-51, 56-57, 59-63, 65-69, 71-72, 74-77, 79-85, 87-91, 93-97, 99, 102-105 and 107-137 are now allowed.

**REASONS FOR ALLOWANCE**

2. The following is an Examiner's Statement of Reasons for Allowance:

The prior arts of record do not teach or suggest, alone or in combination, **all** the limitations of the independent claims of the current invention (claims 50-51, 56, 57, 60, 66, 74, 82, 88, 94, 102, 110, 122 and 134). The discussion of the reasons for allowance shall be directed to claim 50 in which the Examiner shall designate as the primary invention in this application;

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however, the reasons for allowance will also apply to other independent claims 51, 56, 57, 60, 66, 74, 82, 88, 94, 102, 110, 122 and 134. The prior arts of record do not teach nor suggest a method for managing a cache comprises polling a cached asset according to a first schedule to determine if the cached asset has been active within a first period of time; if the cached asset has not been active within the first period of time; assigning the cached asset a new status; and polling the cached asset according to a second schedule corresponding to the new status to determine if the cached asset has been active within a second period of time, wherein polling according to the first schedule occurs at a greater frequency than polling according to the second schedule; similarly for other independent claims. In light of the foregoing, claims 50-51, 56, 57, 60, 66, 74, 82, 88, 94, 102, 110, 122 and 134 of the present application are found to be patentable over the prior arts.

The pending dependent claims further limit the allowable independent claims 50-51, 56, 57, 60, 66, 74, 82, 88, 94, 102, 110, 122 and 134 respectively. These claims are therefore allowable for the same reason as set forth above.

Any comments considered necessary by Applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on

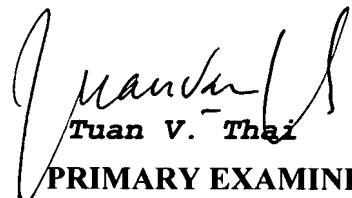
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Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan V. Thai whose telephone number is (571)-272-4187. The examiner can normally be reached on from 6:30 A.M. to 3:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew M. Kim can be reached on (571)-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVT/August 01, 2007

  
**Tuan V. Thai**  
**PRIMARY EXAMINER**  
**Group 2100**